

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 16, 2011

Session 11-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Vice Chair Bos at 7:01 p.m. on February 16, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, DRUHOT, HIGHLAND, KRANICH, VENUTI

ABSENT: COMMISSIONER MINSCH

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

**AGENDA
APPROVAL**

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

**PUBLIC
COMMENT**

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

**RECONSID
ERATION**

RECONSIDERATION

There were no items for reconsideration.

**CONSENT
AGENDA**

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

Jan 19,
2011
Minutes

1. Approval of the January 19, 2011 minutes
2. Time Extension Requests: Lee Cole 2008 Preliminary Plat Time Extension Request
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports
5. Draft Decision2 and Findings for Conditional Use Permit (CUP) PL 11-02 to add a Petroleum Tank at 4755 Homer Spit Road.
6. Draft Decision and Findings for Conditional Use Permit (CUP) 11-03, for a day care facility in a single family residence at 4136 Hohe Street
7. Draft Decision and Findings for Conditional Use Permit (CUP) 11-01, Bridge Creek Fire Hazard Mitigation Project

Draft
Decision re:
Petroleum
Tank at
4755
Homer Spit
Rd. Daycare
at 4136
Hohe &
Bridge
Creek Fire
Hazard
Mitigation
Project

KRANICH/VENUTI MOVED TO APPROVE AND ADOPT THE ITEMS ON THE CONSENT AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PRESENTA
TIONS**

PRESENTATIONS

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There were no presentations scheduled.

REPORTS

REPORTS

A. Staff Report PL 11-114, City Planner's Report

City Planner Abboud reviewed his staff report.

**PUBLIC
HEARINGS**

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 11-15, Draft Ordinance 11-xx Amending the General Commercial One (GC1) District, HCC 21.24.030 to allow single family and duplex dwelling(s) as a Conditional Use

City Planner Abboud reviewed the staff report.

Vice Chair Bos opened the public hearing. There were no comments and the hearing was closed.

HIGHLAND/KRANICH MOVED TO ADOPT STAFF REPORT PL 11-15 AMENDING THE GC1 DISTRICT, HCC 21.24.030 TO ALLOW SINGLE FAMILY AND DUPLEX DWELLING(S) AS A CONDITIONAL USE WITH RECOMMENDATIONS AND FINDINGS.

Commissioner Highland expressed reservations about changing the zoning. The Commission gets told that we need to keep commercial available so it's available for the future. This gives some leeway on the conditional use but still allows some extraneous use in GC1. She questioned if there is a way to allow what is there already because they were annexed, and stop it there.

Commissioner Kranich noted that they are only adding two uses in the GC1 as conditional uses, but not changing any area of zoning.

Commissioner Highland reiterated that she has concerns about adding those uses. She added that there are public health safety and welfare issues when looking at safety issues with having children in commercial area.

VOTE: YES: BOS, DRUHOT, KRANICH
NO: HIGHLAND, VENUTI, DOLMA

Motion failed.

B. Staff Report PL 11-20, CUP 11-04, A Request for a Conditional Use Permit (CUP) at 880 East End Road for a two-story, approximately 8,000 square foot wellness clinic for the Seldovia Village Tribe Wellness Center. A CUP is required for HCC 21.16.03(h), More than one building containing a permitted principal use on a lot. HCC 21.16.030(d) Hospitals and medical clinics. HCC 21.016.040(e), No lot shall contain more than

CUP for
Seldovia
Tribe
Village
Wellness
Center

8,000 square feet of building area (all buildings combined), without an approved conditional use permit.

City Planner Abboud reviewed the staff report.

Caroline Storm, project architect, commented that the building is an extension of the current medical clinic but it will not actually house medical functions per say. Seldovia Village Tribe (SVT) is looking to augment their medical clinic with wellness functions like a dietician, diabetes prevention counselor, and so forth. On the second floor they want to expand the administrative space as it is very tight in the current building. Ideally they are planning to create a very similar look to the existing clinic with slight changes to differentiate between the two facilities and give it more of a campus feel. They are interested in doing a fair amount of landscaping in front of the wellness center and create a healing garden. In addition other potential function of the addition includes space for educational group type meetings in the evening not only for SVT but also for community use. She noted that the metal building removed from the lot resulted in about 3 feet of fill and they can't get the grade all the way down to the grade of the existing clinic. They are trying not to go higher than the existing clinic, but the issue with the grade may cause it to be about a foot higher.

Vice Chair Bos opened the public hearing. There were no comments and the public hearing was closed.

There was brief discussion that a replat had happened to make property one lot.

Commissioner Venuti asked for clarification that the grade on the new development is raised by about a foot. Ms. Storm concurred.

HIGHLAND/KRANICH MOVED TO ADOPT STAFF REPORT 11-20 APPROVING CUP 11-04 AT 880 EAST END ROAD FOR A TWO STORY APPROXIMATELY 8000 SQUARE FOOT WELLNESS CLINIC FOR THE SELDOVIA VILLAGE TRIBE WELLNESS CENTER WITH STAFF RECOMMENDATIONS AND FINDINGS.

VOTE: YES: HIGHLAND, DRUHOT, VENUTI, KRANICH, DOLMA, BOS

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 11-21, Land's End Subdivision Part 2 Preliminary Plat

Commissioner Druhot advised that she has a conflict of interest.

KRANICH/HIGHLAND MOVED THAT COMMISSIONER DRUHOT HAS A CONFLICT OF INTEREST.

It noted that this is the same situation as the last meetings regarding actions for relating to this property.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PLAT
CONSIDER
ATION**

Land's End
Subdivision
Part 2
Preliminary
Plat

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Land's End
Subdivision
Part 2
Preliminary
Plat

Commissioner Druhot left the table.

Planning Technician Engebretsen reviewed the staff report.

There were no applicants or public comments.

HIGHLAND/KRANICH MOVED TO ADOPT STAFF REPORT PL 11-21 LANDS END SUBDIVISION PART 2 PRELIMINARY PLAT WITH COMMENTS AND RECOMMENDATIONS.

There was brief discussion to clarify that recommendation one refers to FEMA maps that are adopted by City Council.

VOTE: YES: DOLMA, KRANICH, BOS, HIGHLAND, VENUTI

Motion carried.

**PENDING
BUSINESS**

Commissioner Druhot returned to the table.
PENDING BUSINESS

Bridge
Creek
Watershed
Exclusions

A. Staff Report PL 11-13 Bridge Creek Exclusions

City Planner Abboud reviewed the staff report.

HIGHLAND/BOS MOVED THAT STAFF DRAFT AN AMENDMENT TO REMOVE HCC 21.40.020(c).

Commissioner Highland expressed that it is in the best interest of our only water source that we be extremely careful and prudent. Due to the fact that we don't have any technology other than test holes, this would be a prudent way to go. Based on the previous exclusion it came to their attention that we can't determine what happens with the subsurface water.

Commissioner Kranich countered that based on staffs information that there are no other lots that have surface water that all goes away from the watershed. Yet he feels that if someone were to hire a surveyor who could document in detail regarding a particular piece of property the exclusion should stay. He noted that there were issues with the previous property in the exclusion but when it came before the Commission there were no problems with the piece of property.

There were comments in agreement with both sides.

VOTE: YES: DOLMA, HIGHLAND
NO: KRANICH, VENUTI, BOS, DRUHOT

Motion failed.

KRANICH/VENUTI MOVED THAT THE COMMISSION DO NOTHING PERTAINING TO THIS AND LEAVE HOMER CITY CODE 21.40.020(c) AS IS.

Commissioner Kranich commented that voting on this finalizes it and shows their position on this issue.

VOTE: YES: VENUTI, DOLMA, BOS, DRUHOT, KRANICH
NO: HIGHLAND

Motion carried.

B. Staff Report PL 11-18, Draft Ordinance amending the City of Homer Comprehensive Plan to include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough

Draft Spit
Comprehen
sive Plan

Planning Technician Engebretsen reviewed the staff report.

HIGHLAND/VENUTI MOVED TO ADOPT THE CHANGES TO THE SPIT COMPREHENSIVE PLAN AS OUTLINED IN STAFF REPORT PL 11-18.

Commissioner Highland noted one correction on page 72 under 5 second sentence correct to say "to educate ATV users".

KRANICH/DRUHOT MOVED TO AMEND #9 THAT REFERENCES PAGE 6 IN THE COMP PLAN REMOVE "ARE" AND ADD "MAY BE" TO SAY PORTIONS OF PARCELS WITHIN THE ACREAGE MAY BE UNUSABLE FOR DEVELOPMENT.

There was brief discussion that the Commission is not making a determination as to what is and is not unusable.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

BOS/KRANICH MOVED TO AMEND #8 TO ELIMINATE "EXPANSION" SO THAT IT READS "CONCERN ABOUT FUTURE OF RESIDENTIAL DEVELOPMENT"

There was brief discussion about wording.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion to clarify that number 11 should refer to page 34 on the plan.

KRANICH/DRUHOT MOVED TO AMEND NUMBER 11 TO READ PAGE 34.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion about number 10 for clarifying acreages with tidal lands.

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KRANICH/BOS MOVED THAT ON PAGE 26 REDO THE HARBOR OFFICE CAPTION TO DELETE THE REFERENCE TO PLAZA LOCATION.

There was discussion to clarify this is referencing the caption under the picture.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion for clarification of the dock length.

VOTE: (Main motion as amended) YES: KRANICH, DRUHOT, BOS, VENUTI, HIGHLAND, DOLMA

Motion carried.

NEW BUSINESS

A. Staff Report PL 11-19, Draft Policies and Procedures

KRANICH/DRUHOT MOVED TO POSTPONE TO THE FIRST WORKSESSION AND REGULAR MEETING IN MARCH.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report January 25, 2011
- B. Order Rescinding Decision dated January 25, 2011 regarding Refuge Room Appeal Hearing
- C. Memo from Deputy City Clerk Jacobsen Re: Ex Parte, Conflict of Interest, and Situations of Bias

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

City Planner Abboud commented that he questions if the Commission needed to adopt findings for the vote on the GC1 amendments. He said he may confer with the City Attorney regarding the process.

COMMENTS OF THE COMMISSION

Commissioner Highland quoted words she saw in the Two Sisters ad "Always treat everyone kinder than necessary."

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Vice Chair Bos thanked everyone for their help with the meeting tonight. He thanked staff for all the information.

Commissioner Kranich thanked staff for all their work over the last year or year and a half with the Spit Comprehensive Plan.

ADJOURN

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:31 p.m. The next regular meeting is scheduled for March 2, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____